

Dear Mr. McCrory:

Thank you for your presentation before the Mississippi River Commission during the public meeting held in Memphis, Tennessee, on April 8, 2003. In your statement you mentioned your ongoing communications with the Memphis District; your pursuit of Congressional authorization for the harbor in the Pidgeon Industrial Park; the recent appropriations of funds for the Memphis Harbor Reevaluation Study; the impacts of the weir failure at the mouth of Nonconnah Creek; your opposition to the use of the Inland Waterway Trust Fund to pay for a part of the Operations and Maintenance cost of the Inland Waterways; your support of the Current Water Control Manual for the Missouri River; your opposition to the transfer of Civil Works missions to other agencies; security measures by the Port Commission; and issues relating to the permit process for dredging.

The Commission recognizes the partnership that has developed between the Port Commission and the U.S. Army Corps of Engineers. It is the intent of the Corps to continue frequent communications with the Port Commission and to solicit your expertise in our decision-making processes.

The Commission recognizes your efforts to obtain Congressional authorization for dredging in the harbor within the Pidgeon Industrial Park. If authorization and funding are provided, the Corps could begin to perform maintenance dredging in this harbor.

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With regard to the reevaluation of the Memphis Harbor project, the Commission understands that the Memphis District is working with you to determine if the Port Commission is interested in initiating the reevaluation this fiscal year.

Referencing the impacts of the Nonconnah Creek weir failure, the Commission is aware that there recently has been an increase of sediment from the Nonconnah Creek basin into the McKellar Lake Harbor. This increase is due to several major hydrologic events that have occurred during the last few years. As a result, emergency work is being implemented to shore bank areas exposed around bridges and major utility line. This should reduce the amount of sediment transfer from these areas;

however, with each significant rainfall event, additional sediment transfer into McKellar Lake Harbor from unprotected areas is a possibility.

The Memphis District is working with the City of Memphis and Shelby County, Tennessee (the Nonconnah Creek Project Sponsors) to conduct a preliminary review of the authorized Nonconnah Creek flood control project. The review will address the entire Nonconnah Creek watershed and recommend measures that can be considered to reduce the amount of sediment transfer, achieve flood protection, and restore the environmental resources within the watershed. The review is scheduled to begin by mid-June and be completed within 7 months. This preliminary review will determine if a reevaluation of the project is warranted.

In the interim, the City of Memphis has requested that any design and construction activities for the authorized Nonconnah channel improvements (other than the bank stabilization work to be constructed this year at Riverport Road) be delayed until the results of the preliminary project review are determined. The City of Memphis has indicated to the Memphis District that it is not interested in reconstruction of the weir unless it can obtain Congressional legislation to reconstruct it at 100 percent Federal expense. Stabilization features such as the weir and other stabilization measures placed upstream will help to reduce the amount of sediment into the harbor; however, the review of the authorized project will give us additional input on other measures to consider.

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The Commission continues to hear from those who are opposed to the use of the Inland Waterways Trust Fund for maintenance activities. The Commission has passed your concern and that of others up the chain of command to the Chief of Engineers and the office of the Assistant Secretary of the Army for Civil Works.

With regard to the Missouri River Master Water Control Manual Review and Update, the Corps intends to implement a revised water control plan in March 2004. The Northwestern Division of the Corps is currently in informal consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act. The two agencies have made great

progress and those at higher levels have been briefed on this progress.

The Commission congratulates the Memphis and Shelby County Port Commission on its receipt of a grant by the Transportation Security Administration. We commend your efforts in the implementation of security measures at the Port of Memphis.

Regarding your comments concerning maintenance dredging in Memphis District's portion of Tennessee, the Memphis District agrees that a meeting would help resolve the issue of dredged disposal. District personnel are available to assist in this issue when a meeting has been arranged. The point of contact on this matter with the Memphis District is Mr. Larry Watson (901-544-0736).

The Commission appreciates receiving your comments and will be pleased to hear from you at our future public meetings.

Sincerely,

Don T. Riley
Brigadier General, U.S. Army
President Designee, Mississippi
River Commission